

**AIR POLLUTION CONTROL DISTRICT  
COUNTY OF SAN DIEGO**

**ADOPTION OF NEW RULE 67.0.1 – ARCHITECTURAL COATINGS AND  
REPEAL OF EXISTING RULE 67.0 – ARCHITECTURAL COATINGS**

**WORKSHOP REPORT**

A notice for a workshop was mailed to all known manufacturers, distributors, and retailers of architectural coatings sold or used in San Diego County. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and other interested parties.

The workshop was held on October 29, 2013. Written comments were received before and after the workshop from affected parties, CARB and EPA. A number of oral comments were also received from workshop participants.

The comments and the Air Pollution Control District (District) responses are as follows:

**1. WRITTEN COMMENT**

The proposed volatile organic compound (VOC) content limits for Non-Bituminous and Bituminous Roof coatings are very low. Would complying coatings of good quality be available for the roofing contractors?

**DISTRICT RESPONSE**

Yes. According to a CARB 2005 survey, a large majority of Non-Bituminous and Bituminous Roof coatings sold in California are waterborne with a VOC content of 50 grams/liter or less. These coatings are therefore in compliance with the VOC content limits of proposed Rule 67.0.1.

**2. WRITTEN COMMENT**

The sell-through period in the proposed Rule 67.0.1 should be increased from one year to three years, to be consistent with CARB's 2007 Suggested Control Measure for Architectural Coatings (SCM). Although many coatings complying with the requirements of the proposed rule are available, some coatings currently in use in San Diego County may have higher VOC content limits in compliance with current Rule 67.0. A shorter one year sell-through period could force many suppliers and retailers to dispose of usable products that in turn may contribute to water and air pollution.

**DISTRICT RESPONSE**

The District agrees. The proposed sell-through period for existing coatings (manufactured before the effective date of the proposed rule) has been extended to three years, consistent with the SCM.

**3. WRITTEN COMMENT**

The District should not repeal existing Rule 67.0, in order to maintain continuity and clarity in proposed Rule 67.0.1.

**DISTRICT RESPONSE**

Rule 67.0 is proposed for repeal upon the effective date of Rule 67.0.1. However, Subsection (d)(4), Sell-through of Coatings, has been modified to incorporate Rule 67.0 by reference to apply to coatings manufactured prior to the effective date of Rule 67.0.1.

**4. WRITTEN COMMENT**

To assist the regulated community in understanding which categories of coatings are eliminated, the District should include transitional language in the amended rule indicating which coating categories are being deleted and which are added.

**DISTRICT RESPONSE**

The District will include the requested information in a Compliance Advisory that will be distributed to the regulated community in advance of proposed Rule 67.0.1's effective date. Please also see the District's response to Comment 16.

**5. WRITTEN COMMENT**

The District should include Dimethyl Carbonate in the list of Exempt Compounds that are not classified as VOCs.

**DISTRICT RESPONSE**

Dimethyl Carbonate is included in the list of exempt compounds in the District's existing Rule 2 (Definitions), Table 1, page 10.

**6. WRITTEN COMMENT**

The proposed rule should list Tertiary Butyl Acetate (TBAC) as an exempt compound. TBAC is exempt in 49 states, Canada and the majority of California air districts, including the South Coast Air Quality Management District (SCAQMD).

### **DISTRICT RESPONSE**

CARB has not exempted TBAC from its statewide VOC regulations due to apparent uncertainty in the possible health impacts resulting from exposure to TBAC, as reported by the California Office of Environmental Health Hazard Assessment (OEHHA). SCAQMD's exemption of TBAC is limited to industrial maintenance coatings only, since these coatings are typically applied by professional painting contractors who use personal protective equipment.

The District does not have the resources to make a definitive determination regarding any health impacts resulting from exposure to TBAC, nor to enforce a requirement on professional painting contractors to use personal protective equipment. Therefore, the District is not proposing to list TBAC as an exempt compound in coating formulations at this time. The District will reconsider its position on TBAC at such time OEHHA further evaluates the possible toxicity of TBAC and its metabolites or CARB exempts TBAC from statewide VOC regulations.

### **7. WRITTEN COMMENT**

Presently, many manufacturers have architectural coatings that satisfy all the requirements of the SCM, and correspondingly, proposed new Rule 67.0.1. However, during the first 12 months after the new rule adoption, current Rule 67.0 will be in effect. Therefore, Rule 67.0.1 should include an early compliance provision to allow manufacturers to sell coatings that comply with Rule 67.0.1 prior its effective date.

### **DISTRICT RESPONSE**

The District agrees. Accordingly, an early compliance provision has been added to the Compliance Schedule, Section (g), of the proposed rule.

### **8. WRITTEN COMMENT**

Proposed Rule 67.0.1 should include transitional labeling requirements for some coatings, such as clear brushing lacquers and quick dry enamels.

### **DISTRICT RESPONSE**

The labeling requirements in proposed Rule 67.0.1 are consistent with the SCM.

### **9. WRITTEN COMMENT**

Rule 67.0 requires Industrial Maintenance coatings to have labels with four statements. The labels for Industrial Maintenance Coatings and Zinc Rich Primers, in addition to "For industrial use only" and "For professional use only", should also include phrases "Not for residential use" or "Not intended for residential use" as it was stated in the current rule.

Changing labels is very expensive. To reduce regulatory burden for those coating manufacturers that have existing labels with four statements, it is recommended that Rule 67.0.1 include this requirement for Industrial Maintenance Coatings and Zinc-Rich Primers.

**DISTRICT RESPONSE**

The labeling requirements in proposed Rule 67.0.1 are consistent with the SCM for both Industrial Maintenance Coatings and Zinc-Rich Primers. The same labels are also required in architectural coating rules of other California air districts, such as Bay Area Air Quality Management District .

**10. WRITTEN COMMENT**

The definition of Rust Preventative Coatings should be revised to be consistent with the SCM.

**DISTRICT RESPONSE**

The District agrees. The proposed definition in Subsection (c)(48) has been revised accordingly.

**11. WRITTEN COMMENT**

Rule 67.0.1 should include additional test methods for determining the VOC content of architectural coatings, such as SCAQMD Test Method 313-91 or ASTM Test Method D6886.

**DISTRICT RESPONSE**

The District has consulted with SCAQMD staff regarding Test Method 313-91. The District was informed that while this test is recommended for the testing of coatings with VOC content less than 150 g/liter, recent data show that it has some technical problems, which are presently being investigated. For coatings containing less than 5% of VOC, the ASTM Test Method D6886-12 may be used pursuant to Subsection (f)(2)(iii).

**12. WRITTEN COMMENT**

One of the requirements in the proposed definition of Reactive Penetrating Sealers in Rule 67.0.1 is that the water transmission rate after application of the sealer on concrete or masonry should not be reduced by more than 2%. A laboratory evaluation of available products in this category complying with the VOC content limit of the SCM showed that this requirement is not realistic.

It is recommended that, in agreement with the experimental data, this requirement will state that after the application of a Reactive Penetrating Sealer on concrete or masonry, the water vapor transmission rate should not decrease by more than 60%.

### **DISTRICT RESPONSE**

The referenced report has been provided to the District by the commenter and includes experimental data with measurements of water transmission rates before and after applying samples of Reactive Penetrating Sealers on concrete. The data indicate that the water transmission rates for all samples that otherwise comply with the SCM were reduced by not less than 60%.

The data in this report are currently being evaluated by CARB and the SCAQMD. In the absence of a definite recommendation from these agencies, the District is unable to make any related changes in proposed Rule 67.0.1 at this time.

### **13. WORKSHOP COMMENT**

On page two of the proposed rule, architectural coatings are defined as coatings used for stationary structures. However, consider a case when a part of a stationary structure is disconnected from it (such as a metal part attached to this structure). The part will be painted separately near the original structure. Can the coatings complying with Rule 67.0.1 still be used on this part?

### **DISTRICT RESPONSE**

Yes, provided that this painting is conducted in proximity to the stationary structure. If the part is taken to a different location specifically designated for painting or is moved to a spray booth, then this will be considered a separate coating operation and the appropriate District rule would apply. For example, if the volume of paint to be used for a metal part (in a separate coating operation) is larger than 20 gallons, then Rule 67.3 (Metal Parts and Products Coating Operations) VOC content limits and other provisions will apply.

### **14. WORKSHOP COMMENT**

The definition of an architectural coating states that coatings applied on non-stationary structures or in off-site shops are not architectural coatings. What kind of coatings are they?

### **DISTRICT RESPONSE**

These coatings are formulated for application to specific substrates such as metals, wood or plastics and are subject to separate District rules. These coatings may be applied in shops or paint booths. In addition, some special coatings are formulated to meet specific industry requirements such as paints for automobiles, airplanes, space vehicles, ships, etc. All these coatings are also applied in specially equipped booths or other specialized separate locations.

**15. WORKSHOP COMMENT**

The workshop notice states that proposed Rule 67.0.1 will be presented to the District Board in early 2014 and take effect one year after the date of adoption. This means that the new rule will go into effect in mid-2015. Is it possible to move the implementation date of the new rule to the beginning of calendar year 2016? Coating manufacturing companies normally prepare their production plans according to calendar years.

**DISTRICT RESPONSE**

It is now expected that proposed Rule 67.0.1 will be presented to the District Board in late 2014 to allow adequate time to prepare the required supplementary information (including socioeconomic impact report and environmental statement). The proposed effective date has been updated to January 1, 2016, as requested. The proposed rule, if adopted, will take effect on that day barring any unforeseen circumstances. This roughly corresponds to a one-year grace period, which is consistent with the original proposal.

**16. WORKSHOP COMMENT**

Will the District provide any additional information at the time Rule 67.0.1 becomes effective?

**DISTRICT RESPONSE**

Yes, following the rule's adoption and prior to the rule's effective date, the District will issue a Compliance Advisory to the regulated community with a summary of the new requirements. The Advisory will also be placed on the District's website. In the interim, this Workshop Report and the proposed new rule will be provided to all workshop participants, including persons who submitted written comments.

**17. WORKSHOP COMMENT**

Is it possible to provide some additional comments after this workshop?

**DISTRICT RESPONSE**

Yes, additional comments may be provided after the workshop. Comments provided within three weeks after the workshop will be reflected in the Workshop Report.

**18. WORKSHOP COMMENT**

The labeling provision of the proposed rule requires specialty primers, sealers and undercoaters, manufactured between 2010 and 2012, to have labels indicating the date of manufacturing. Would it be more logical to extend the labeling requirement to the date of Rule 67.0.1 adoption, i.e., “between 2010 and 2014?”

**DISTRICT RESPONSE**

This labeling provision of the SCM is now outdated and therefore has been deleted from proposed Rule 67.0.1 pursuant to CARB’s request. Please see the District’s response to Comment 26.

However, the application of primers, sealers and undercoaters manufactured before the effective date of proposed Rule 67.0.1 is allowed at any time, provided the date of manufacturing is listed on the label of the coating container (Subsection (d)(4) of the proposed rule).

**19. WORKSHOP COMMENT**

Current Rule 67.0 includes an averaging provision. Is the averaging provision still available for sources subject to the proposed new rule?

**DISTRICT RESPONSE**

No, the averaging provision is excluded from proposed Rule 67.0.1 in accordance with the SCM.

**20. WORKSHOP COMMENT**

Sealers are included in Subsection (c)(43) as a part of the Primers, Sealers and Undercoaters category. However, Subsection (c)(68) for Wood Coatings also includes Sealers. There seems to be a contradiction.

**DISTRICT RESPONSE**

The definition in Subsection (c)(43) of the proposed rule applies to general sealers that can be used for a variety of substrates. However, the definition in Subsection (c)(68) applies only to sanding sealers and sealers used exclusively for wood products, such as wood sealers used as topcoats.

**21. EPA COMMENT**

EPA recommends including a labeling requirement for containers of coatings that do not need additional thinning, similar to a corresponding provision in the SCM.

**DISTRICT RESPONSE**

The District agrees. The labeling requirement in Subsection (e)(1) has been amended as suggested.

**22. CARB COMMENT**

All the test methods and other analytical procedures recommended in the SCM must be updated to include their most current versions.

**DISTRICT RESPONSE**

The District agrees. All ASTM methods and other SCM recommended test procedures have been updated.

**23. CARB COMMENT**

The definition of Traffic Marking Coatings should include a reference to the procedure specified in Subsection (f)(2)(ii)(L), for analyzing the VOC content of Methacrylate Multicomponent Coatings used as traffic marking coatings.

**DISTRICT RESPONSE**

The District agrees. The definition in Subsection (c)(59) of the proposed rule has been revised accordingly.

**24. CARB COMMENT**

The labeling requirements for Specialty Primers, Sealers and Undercoaters expired in 2007. They do not need to be included in the definition of these coatings.

**DISTRICT RESPONSE**

The District agrees. The labeling requirements have been deleted for this coating category.

**25. CARB COMMENT**

For consistency with the SCM, the definition of wood coating category should include the sentences specifying that the wood coating category does not include clear sealers that are labeled and formulated for use on concrete/masonry surfaces or coatings intended for substrates other than wood.



**DISTRICT RESPONSE**

The District agrees. These sentences are now included in the proposed definition (Subsection (c)(68)).

**26. CARB COMMENT**

Labeling requirements in Subsection (e)(2)(vi) should be deleted, since they expired on January 1, 2012.

**DISTRICT RESPONSE**

The District agrees. Subsection (e)(2)(vi) has been deleted.

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